

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:14-cv-00317-EGS**

ELECTRONIC PRIVACY INFORMATION CENTER v.  
 DRUG ENFORCEMENT ADMINISTRATION  
 Assigned to: Judge Emmet G. Sullivan  
 Cause: 05:552 Freedom of Information Act

Date Filed: 02/26/2014  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of  
 Information Act  
 Jurisdiction: Federal Question

**Plaintiff**

**ELECTRONIC PRIVACY  
 INFORMATION CENTER**

represented by **Jeramie D. Scott**  
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**ATTORNEY TO BE NOTICED**

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**TERMINATED: 05/19/2015**

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**TERMINATED: 08/13/2015**

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V.

**Defendant****DRUG ENFORCEMENT  
ADMINISTRATION**

represented by **James C. Luh**  
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**TERMINATED: 04/02/2014**

| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 02/26/2014 | <u>1</u> | COMPLAINT against DRUG ENFORCEMENT ADMINISTRATION ( Filing fee \$ 400 receipt number 0090-3634783) filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Attorney General, # <u>3</u> Summons DEA, # <u>4</u> Summons US Attorney)(McCall, Ginger) (Entered: 02/26/2014)   |
| 02/26/2014 | <u>2</u> | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by ELECTRONIC PRIVACY INFORMATION CENTER (McCall, Ginger) (Entered: 02/26/2014)  |
| 02/26/2014 |          | Case Assigned to Judge Emmet G. Sullivan. (zmd, ) (Entered: 02/27/2014)   |
| 02/27/2014 | <u>3</u> | ELECTRONIC SUMMONS (3) ISSUED as to DRUG ENFORCEMENT ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons 2nd, # <u>2</u> Summons 3rd, # <u>3</u> Notice of Consent, # <u>4</u> Consent Form)(md, ) (Entered: 02/27/2014)   |
| 03/21/2014 | <u>4</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/6/2014. Answer due for ALL FEDERAL DEFENDANTS by 4/5/2014. (Attachments: # <u>1</u> Affidavit Affidavit of Service – U.S. Attorney General, # <u>2</u> Affidavit Affidavit of Service – DC Attorney, # <u>3</u> Affidavit Affidavit of Service – Drug Enforcement Administration, # <u>4</u> Exhibit Receipt for Certified Mail – U.S. Attorney General, # <u>5</u> Exhibit Receipt for Certified Mail – DC Attorney, # <u>6</u> Exhibit Receipt for Certified Mail – Drug Enforcement Administration)(McCall, Ginger) (Entered: 03/21/2014) |
| 03/31/2014 | <u>5</u> | NOTICE of Appearance by Judith A. Kidwell on behalf of DRUG ENFORCEMENT ADMINISTRATION (Kidwell, Judith) (Entered: 03/31/2014)  |
| 04/02/2014 | <u>6</u> | NOTICE OF SUBSTITUTION OF COUNSEL by James C. Luh on behalf of All Defendants Substituting for attorney Judith A. Kidwell (Luh, James) (Entered: 04/02/2014)  |

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| 04/07/2014 | <u>7</u>  | ANSWER to Complaint by DRUG ENFORCEMENT ADMINISTRATION.(Luh, James) (Entered: 04/07/2014)  |
| 04/08/2014 | <u>8</u>  | ORDER FOR MEET AND CONFER REPORT. Attorney Meet and Confer Conference due by 4/30/2014. Meet & Confer Statement due by 5/14/2014. Signed by Judge Emmet G. Sullivan on 04/08/14. (mac) (Entered: 04/08/2014)   |
| 05/12/2014 | <u>9</u>  | MEET AND CONFER STATEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(Luh, James) (Entered: 05/12/2014)  |
| 05/13/2014 | <u>10</u> | NOTICE of Appearance by Julia Ann Horwitz on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Horwitz, Julia) (Entered: 05/13/2014)  |
| 05/20/2014 |           | MINUTE ORDER adopting <u>9</u> the parties proposal for further proceedings in their Meet and Confer Statement. Based on the parties' representation that Defendant intends to complete its response to Plaintiff's FOIA request by June 23, 2014, the parties are hereby ORDERED to file a joint status report, including recommendations for further proceedings, by no later than July 3, 2014. Signed by Judge Emmet G. Sullivan on May 20, 2014. (lcegs1) (Entered: 05/20/2014)   |
| 05/21/2014 |           | Set/Reset Deadlines: Joint Status Report due by 7/3/2014 (mac) (Entered: 05/21/2014)   |
| 07/03/2014 | <u>11</u> | NOTICE of Appearance by Marc Rotenberg on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Rotenberg, Marc) (Entered: 07/03/2014)  |
| 07/03/2014 | <u>12</u> | RESPONSE TO ORDER OF THE COURT re Order, ( <i>Defendant's Status Report in Response to May 20, 2014, Order</i> ) filed by DRUG ENFORCEMENT ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Luh, James) (Entered: 07/03/2014)  |
| 07/03/2014 | <u>13</u> | STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Horwitz, Julia) (Entered: 07/03/2014)   |
| 07/03/2014 |           | MINUTE ORDER. In light of the representations in <u>12</u> Defendant's Response and <u>13</u> Plaintiff's Status Report that Defendant intends to complete its response to Plaintiff's FOIA request by July 21, 2014, the parties are hereby ORDERED to file a joint status report, including recommendations for further proceedings, by no later than July 28, 2014. Signed by Judge Emmet G. Sullivan on July 3, 2014. (lcegs1) (Entered: 07/03/2014)   |
| 07/07/2014 |           | Set/Reset Deadlines: Joint Status Report due by 7/28/2014. (mac) (Entered: 07/07/2014)   |
| 07/28/2014 | <u>14</u> | RESPONSE TO ORDER OF THE COURT re Order, ( <i>Joint Status Report in Response to July 3, 2014 Order</i> ) filed by DRUG ENFORCEMENT ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order Plaintiff's Proposed Order, # <u>2</u> Text of Proposed Order Defendant's Proposed Order)(Luh, James) (Entered: 07/28/2014)  |
| 07/30/2014 |           | MINUTE ORDER. Upon consideration of the parties' joint status report, the parties are directed to comply with the following briefing schedule: defendant's motion for summary judgment shall be filed by no later than September 29, 2014. Plaintiff's opposition shall be filed by no later than December 1, 2014. If plaintiff chooses to file a cross-motion, it shall be combined with the opposition and filed on the same date. Defendant's reply and, if applicable, combined opposition shall be filed by no later than December 22, 2014. Plaintiff's reply, if applicable, shall be filed by no later than January 12, 2015. It is FURTHER ORDERED that each party shall be permitted a total of 70 pages for its two briefs, to be allocated between the two briefs as each party chooses. Signed by Judge Emmet G. Sullivan on July 30, 2014. (lcegs4) (Entered: 07/30/2014) |
| 07/31/2014 |           | Set/Reset Deadlines: Defendant's Summary Judgment motions due by 9/29/2014. Plaintiff's Opposition, And/Or Cross-Motion due by 12/1/2014. Defendant's Reply And If Applicable Combined due by 12/22/2014. Plaintiff Reply due by 1/12/2015. (mac) (Entered: 07/31/2014)  |
| 09/29/2014 | <u>15</u> | WITHDRAWN (PARTIALLY) PURSUANT TO <u>41</u> NOTICE FILED 9/4/2018 .....MOTION for Summary Judgment ( <i>Defendant's Motion for Summary Judgment</i> ) by DRUG ENFORCEMENT ADMINISTRATION (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Declaration of Katherine L. Myrick, # <u>4</u> Text of  |

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|            |           | Proposed Order)(Luh, James) Modified on 9/5/2018 (zjf). Modified on 9/6/2018 (znmw). (Entered: 09/29/2014)   |
| 10/01/2014 | <u>16</u> | ERRATA ( <i>Defendant's Notice of Filing Second Declaration of Katherine L. Myrick</i> ) by DRUG ENFORCEMENT ADMINISTRATION <u>15</u> MOTION for Summary Judgment ( <i>Defendant's Motion for Summary Judgment</i> ) filed by DRUG ENFORCEMENT ADMINISTRATION. (Attachments: # <u>1</u> Declaration of Katherine L. Myrick)(Luh, James) (Entered: 10/01/2014)                |
| 11/21/2014 |           | Case randomly reassigned to Judge Randolph D. Moss. Judge Emmet G. Sullivan no longer assigned to the case. (gt, ) (Entered: 11/21/2014)   |
| 12/01/2014 | <u>17</u> | Cross MOTION for Summary Judgment by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(McCall, Ginger) (Entered: 12/01/2014)   |
| 12/01/2014 | <u>18</u> | Memorandum in opposition to re <u>15</u> MOTION for Summary Judgment ( <i>Defendant's Motion for Summary Judgment</i> ) filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(McCall, Ginger) (Entered: 12/01/2014)  |
| 12/22/2014 | <u>19</u> | REPLY to opposition to motion re <u>15</u> MOTION for Summary Judgment ( <i>Defendant's Motion for Summary Judgment</i> ) ( <i>Defendant's Memorandum in Opposition to Plaintiff's Motion for Summary Judgment and Reply Memorandum in Support of Defendant's Motion for Summary Judgment</i> ) filed by DRUG ENFORCEMENT ADMINISTRATION. (Luh, James) (Entered: 12/22/2014) |
| 12/22/2014 | <u>20</u> | Memorandum in opposition to re <u>17</u> Cross MOTION for Summary Judgment ( <i>Defendant's Memorandum in Opposition to Plaintiff's Motion for Summary Judgment and Reply Memorandum in Support of Defendant's Motion for Summary Judgment</i> ) filed by DRUG ENFORCEMENT ADMINISTRATION. (Attachments: # <u>1</u> Statement of Facts)(Luh, James) (Entered: 12/22/2014)    |
| 01/05/2015 | <u>21</u> | Case reassigned to Judge Emmet G. Sullivan. Judge Randolph D. Moss no longer assigned to the case. (ztnr, ) (Entered: 01/05/2015)  |
| 01/12/2015 | <u>22</u> | REPLY to opposition to motion re <u>17</u> Cross MOTION for Summary Judgment filed by ELECTRONIC PRIVACY INFORMATION CENTER. (McCall, Ginger) (Entered: 01/12/2015)  |
| 01/20/2015 | <u>23</u> | MOTION for Leave to File , MOTION ( <i>Defendant's Motion Regarding the Parties' Cross-Motions for Summary Judgment</i> ) by DRUG ENFORCEMENT ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Luh, James) (Entered: 01/20/2015)  |
| 02/03/2015 | <u>24</u> | RESPONSE re <u>23</u> MOTION for Leave to File MOTION ( <i>Defendant's Motion Regarding the Parties' Cross-Motions for Summary Judgment</i> ) Opposition filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(McCall, Ginger) (Entered: 02/03/2015)  |
| 02/04/2015 | <u>25</u> | REPLY to opposition to motion re <u>23</u> MOTION for Leave to File MOTION ( <i>Defendant's Motion Regarding the Parties' Cross-Motions for Summary Judgment</i> ) ( <i>Defendant's Reply Memorandum in Support of Motion Regarding the Parties' Cross-Motions for Summary Judgment</i> ) filed by DRUG ENFORCEMENT ADMINISTRATION. (Luh, James) (Entered: 02/04/2015)       |
| 05/19/2015 | <u>26</u> | NOTICE OF WITHDRAWAL OF APPEARANCE as to ELECTRONIC PRIVACY INFORMATION CENTER. Attorney Ginger P. McCall terminated. (McCall, Ginger) (Entered: 05/19/2015)   |
| 08/13/2015 | <u>27</u> | NOTICE OF WITHDRAWAL OF APPEARANCE as to ELECTRONIC PRIVACY INFORMATION CENTER. Attorney Julia Horwitz terminated. (Horwitz, Julia) (Entered: 08/13/2015)  |
| 09/21/2015 | <u>28</u> | NOTICE of Appearance by Jeramie D. Scott on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Scott, Jeramie) (Entered: 09/21/2015)   |

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| 09/21/2015 | <u>29</u> | NOTICE of Appearance by Alan Jay Butler on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Butler, Alan) (Entered: 09/21/2015)   |
| 09/29/2015 |           | MINUTE ORDER granting in part and denying in part <u>23</u> defendant's motion regarding the parties' cross motions for summary judgment. The defendant shall file its surreply by no later than October 6, 2015. The plaintiff may file a response by no later than October 13, 2015. Thereafter, no additional filings related to the parties' cross motions for summary judgment shall be made without invitation of the Court. Pending motions <u>15</u> and <u>17</u> are STAYED to allow the parties to file these briefs. Signed by Judge Emmet G. Sullivan on 9/29/2015. (lcegs1) (Entered: 09/29/2015) |
| 09/30/2015 |           | Set/Reset Deadlines: Defendant Surreply due by 10/06/2015. Plaintiff Response due by 10/13/2015. (mac) (Entered: 09/30/2015)  |
| 10/06/2015 | <u>30</u> | SURREPLY to re <u>17</u> Cross MOTION for Summary Judgment ( <i>Defendant's Surreply in Opposition to Plaintiff's Motion for Summary Judgment</i> ) filed by DRUG ENFORCEMENT ADMINISTRATION. (Luh, James) (Entered: 10/06/2015)  |
| 10/13/2015 | <u>31</u> | RESPONSE re <u>30</u> Surreply filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Scott, Jeramie) (Entered: 10/13/2015)   |
| 06/24/2016 | <u>32</u> | ORDER DENYING in part and HOLDING IN ABEYANCE in part Plaintiff's Motion for Summary Judgment; GRANTING in part and DENYING without prejudice in part Defendant's Motion for Summary Judgment. Signed by Judge Emmet G. Sullivan on June 24, 2016. (lcegs4) (Entered: 06/24/2016)   |
| 06/24/2016 | <u>33</u> | MEMORANDUM AND OPINION. Signed by Judge Emmet G. Sullivan on June 24, 2016. (lcegs4) (Entered: 06/24/2016)  |
| 06/27/2016 |           | Set/Reset Deadlines: Proposed Briefing Schedule due by 7/8/2016. (mac) (Entered: 06/27/2016)  |
| 07/08/2016 | <u>34</u> | RESPONSE TO ORDER OF THE COURT re <u>33</u> Memorandum & Opinion, <u>32</u> Order, ( <i>Joint Proposed Briefing Schedule in Response to June 24, 2016, Order and Memorandum Opinion</i> ) filed by DRUG ENFORCEMENT ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Luh, James) (Entered: 07/08/2016)  |
| 07/08/2016 | <u>35</u> | SUPPLEMENTAL SCHEDULING ORDER. Signed by Judge Emmet G. Sullivan on July 8, 2016. (lcegs4) (zmac). (Entered: 07/08/2016)  |
| 07/08/2016 |           | Set/Reset Deadlines: Drug Enforcement Administration Shall Serve Its Supplement Materials due by 09/21/2016. Electronic Privacy Information Center Response due by 10/12/2016. (mac) (Entered: 07/08/2016)  |
| 09/21/2016 | <u>36</u> | SUPPLEMENTAL MEMORANDUM to re <u>20</u> Cross MOTION for Summary Judgment , <u>15</u> MOTION for Summary Judgment ( <i>Defendant's Motion for Summary Judgment</i> ) ( <i>Defendant's Supplemental Brief in Support of Motion for Summary Judgment and in Opposition to Plaintiff's Cross Motion for Summary Judgment (redacted)</i> ) filed by DRUG ENFORCEMENT ADMINISTRATION. (Attachments: # <u>1</u> Declaration of Douglas W. Poole (redacted), # <u>2</u> Exhibit 2 (cover page only), # <u>3</u> Exhibit 3)(Luh, James) Modified on 9/22/2016 (jf). (Entered: 09/21/2016)                               |
| 10/13/2016 | <u>37</u> | RESPONSE re <u>15</u> MOTION for Summary Judgment ( <i>Defendant's Motion for Summary Judgment</i> ) filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Scott, Jeramie) (Entered: 10/13/2016)   |
| 11/03/2016 | <u>38</u> | Unopposed MOTION for Leave to File <i>Supplemental Exhibits</i> by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Text of Proposed Order)(Scott, Jeramie) (Entered: 11/03/2016)   |
| 11/09/2016 |           | MINUTE ORDER granting <u>38</u> unopposed motion to file supplemental exhibits. Signed by Judge Emmet G. Sullivan on 11/9/2016. (lcegs4) (Entered: 11/09/2016)  |
| 11/09/2016 | <u>39</u> | SUPPLEMENTAL Exhibits to re <u>36</u> Supplemental Memorandum,, filed by ELECTRONIC PRIVACY INFORMATION CENTER. (td) (Entered: 11/10/2016)  |
| 11/25/2016 | <u>40</u> | RESPONSE re <u>39</u> Supplemental Memorandum, <u>20</u> Memorandum in Opposition, <u>15</u> MOTION for Summary Judgment ( <i>Defendant's Motion for Summary Judgment</i> )   |

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|            |           | ( <i>Defendant's Response to Plaintiff's Motion to File Supplemental Exhibits</i> ) filed by DRUG ENFORCEMENT ADMINISTRATION. (Luh, James) (Entered: 11/25/2016)  |
| 09/04/2018 | <u>41</u> | NOTICE OF WITHDRAWAL OF MOTION by DRUG ENFORCEMENT ADMINISTRATION ( <i>Defendant's Notice of Partial Withdrawal of Defendant's Motion for Summary Judgment</i> ) (Luh, James) (Entered: 09/04/2018)   |
| 09/17/2018 | <u>42</u> | NOTICE ( <i>Defendant's Notice of Filing Revised Release Pages in Connection with Notice of Partial Withdrawal of Defendant's Motion for Summary Judgment</i> ) by DRUG ENFORCEMENT ADMINISTRATION re <u>41</u> Notice of Withdrawal of Motion (Attachments: # <u>1</u> Revised Release Pages)(Luh, James) (Entered: 09/17/2018)  |
| 10/01/2018 | <u>43</u> | NOTICE of Change of Address by James C. Luh (Luh, James) (Entered: 10/01/2018)  |
| 06/17/2019 |           | MINUTE ORDER. The DEA is directed to file supplemental briefing on the following issue by no later than June 24, 2019: How disclosing the names of agencies that have access to Hemisphere data "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions." See 5 U.S.C. § 552(b)(7)(E). The plaintiff shall respond by no later than, July 1, 2019. The DEA shall file a reply by no later than July 8, 2019. Signed by Judge Emmet G. Sullivan on 6/17/2019. (lcegs2) (Entered: 06/17/2019) |
| 06/18/2019 |           | Set/Reset Deadlines: Supplemental Briefing due by 6/24/2019. Plaintiff Response due by 7/1/2019. DEA Reply due by 7/8/2019. (mac) (Entered: 06/18/2019)   |
| 06/24/2019 | <u>44</u> | RESPONSE TO ORDER OF THE COURT re Order,, ( <i>Defendant's Supplemental Brief in Response to June 17, 2019, Order</i> ) filed by DRUG ENFORCEMENT ADMINISTRATION. (Luh, James) (Entered: 06/24/2019)  |
| 07/01/2019 | <u>45</u> | SUPPLEMENTAL MEMORANDUM to re <u>44</u> Response to Order of the Court ( <i>Plaintiff's Response to Defendant's Supplemental Brief in Response to June 17, 2019, Order</i> ) filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Scott, Jeramie) (Entered: 07/01/2019)   |